



PATENTS
107044-0003P1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In Re The Application of: |) | |
| William P. Acker et al. |) | |
| |) | Examiner: Gentle E. Winter |
| Serial No.: 10/040,502 |) | |
| |) | |
| Filed: November 9, 2001 |) | Art Unit: 1746 |
| |) | |
| For: APPARATUS AND METHODS |) | |
| FOR SENSOR-LESS OPTIMIZA- |) | |
| TION OF METHANOL CONCEN- |) | |
| TRATION IN A DIRECT METHA- |) | |
| NOL FUEL CELL SYSTEM |) | |

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(b)

I, Rita M. Rooney, represent that I am an attorney of record for this application.

The Assignee of this application is MTI MicroFuel Cells Inc. (the "Assignee"), whose business address is 431 New Karner Road, Albany, NY 12205. The extent of the Assignee's interest is the whole of the invention.

On behalf of the Assignee, I hereby disclaim the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term of United States Patent No. 6,589,679, as heretofore shortened by any terminal disclaimer, and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that said patent is commonly owned with United States Patent No. 6,589,679 this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee and its successors or assigns.

This disclaimer applies to any terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term of United States Patent No. 6,589,679 as shortened only by any heretofore-entered terminal disclaimer, and not by any subsequent disclaimer, expiration for failure to pay a

maintenance fee; finding of unenforceability or invalidity, cancellation by a reexamination certificate, or other earlier termination, except for the separation of legal title stated above.

Aug 4, 2004
Date

Rita M. Rooney
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